

IN THE DRAWINGS:

Replacement Sheets are filed herewith for Figures 3 and 4 of the Drawings responsive to the objection to Figures 3 and 4 set forth in the Office Action.

REMARKS

Claims 1-3 are the claims currently pending in the Application.

Objection to the Drawings

The Examiner objects to Figures 3 and 4 of the Drawings because of minor stylistic issues.

Replacement Sheets are filed herewith for Figures 3 and 4 of the Drawings responsive to the objection set forth in the Office Action. Therefore, this objection should now be withdrawn.

Rejection of Claims 1-3 Under 35 U.S.C § 103

In the Office Action, the Examiner rejects all of the claims (claims 1-3) under 35 U.S.C. § 103 as being obvious from Qua et al., U.S. Patent No. 6,222,909 in view of McNelley et al., U.S. Patent No. 5,550,754. This rejection is traversed.

Among the problems recognized and solved by Applicant's claimed invention is that sometimes a user wishes to replay or reproduce a conversation previously recorded by a mobile telephone. An illustration of such a need might be in the situation in which the user wishes to replay an earlier conversation (or a portion thereof) for the benefit of the party on the line while a current conversation is being recorded. According to an aspect of Applicant's claimed invention, more than one memory (or more than one memory areas of a single memory device) are provided so that while conversation contents previously recorded on a first memory are being reproduced, a second memory can record conversation data of the current conversation.

For at least the following reasons, Applicant's claimed invention is neither anticipated by nor obvious from the cited references. By way of example, independent claim 1 requires while the second memory records content of a current conversation, reproducing the conversation content that the first memory recorded be reproduced.

Qua discloses an audio note taking system for communication devices, in which notes are recorded by a party during conversation and may be transmitted to other parties (Qua, Abstract); such that once a call has been established between the user and other parties, the user may initiate a recording process (Qua, column 4, lines 8-15).

The Examiner acknowledges that Qua fails to teach a first memory that reproduces a conversation content recorded, while the second memory records content of a current conversation. However, the Examiner alleges that such a combination would have been obvious based on Qua and McNelley.

McNelley discloses a portable recording video camera and videoconferencing terminal (McNelley, Abstract), in which the camcorder-answering machine uses two recording sections, one section for recording an outgoing message and a second section for recording an incoming message for the answering machine component (McNelley, column 12, lines 9-16), and the digital recording camcorder-answering machine can also have two distinct storage devices, one for outgoing messages and the other for incoming messages (McNelley, column 12, lines 40-45). McNelley also discloses a single digital recording device capable of playing an outgoing message while recording an incoming message (McNelley, lines 54-65).

McNelley does not disclose or suggest while the second memory records content of a current conversation, reproducing the conversation content which the first memory recorded, as *inter alia* required by independent claim 1. First, as discussed, McNelley is directed to recording messages, specifically an incoming message and outgoing message for an answering

machine module, not recording conversations or conversation content. A conversation typically involves speech data of at least two people, including a user using a telephone and a remote party with whom the user is communicating. Therefore, recorded conversation content data would typically involve voice data captured from the user and the remote party.

Further, McNelley does not disclose or suggest simultaneously recording and replaying conversation content of more than one conversation. As discussed, McNelley is directed to controlling either an outgoing message or an incoming message at any given time. The disclosure about a single digital recording device capable of playing an outgoing message while recording incoming message of McNelley, lines 54-65, concerns the capabilities of the storage device based on the fact that frames of “either [an incoming or outgoing] message can be briefly held in a frame buffer while the disk reads or writes the next frame” (McNelley, column 12, lines 63-65). Thus, McNelley does not disclose or suggest simultaneously recording a conversation, while replaying a second conversation. Therefore, McNelley and Qua, even taken in combination, do not disclose or suggest while the second memory records content of a current conversation, reproducing the conversation content which the first memory recorded, as *inter alia*, required by independent claim 1.

The Examiner alleges that such a combination would have been obvious for one of ordinary skill in the art, and the motivation would have been to improve the audio note taking system to allow it to multitask “or rather play and record the same time” (Office Action, page 4). It is unclear to Applicant how the camcorder-answering machine disclosed by McNelley would have been combined by the audio note taking system of Qua, without changing the purposes of their respective systems. The combination urged by the Examiner involves selectively combining modules or functionalities allegedly disclosed by the references.

Moreover, Applicant respectfully submits that such a combination and modification would not have been obvious without resort to impermissible hindsight reconstruction based on Applicant's own disclosure. The alleged motivation of providing "an improvement in that the audio note taking system to multitask or rather play and recorded the same time" is too general of a teaching, even if it were disclosed or suggested by the references, to motivate for Applicant's claimed invention. Therefore, it is respectfully submitted that Applicant's invention as claimed in independent claim 1 would not have been obvious based on Qua and McNelley.

Claims 2 and 3 depend from independent claim 1 and thus incorporate novel and nonobvious features thereof. Accordingly, claims 2 and 3 are patentably distinguishable over the prior art for at least the reasons that independent claim 1 is patentably distinguishable over the prior art. Accordingly, this rejection should now be withdrawn.

In view of the foregoing discussion, the present Application is now believed to be allowable and the Examiner is respectfully requested to reconsider the rejection, and to allow the Application. Should the Examiner have any questions about the within remarks, or about the Application generally, the Examiner is invited to telephone the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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